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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

MICHAEL FIRESTONE and LINDSAY
BERSCHAUER, individually and as husband
and wife; KATERINA EYRE, an individual;
TAYLER HAYWARD, an individual; LISA
LEDSON, an individual, THOMAS REILLY,
an individual, and GERALD EARL
CUMMINGS, II, an individual,

Case No: 3:24-cv-01034-SI

DECLARATION OF KATERINA EYRE

Plaintiffs,

v.

JANET YELLEN, in her official capacity as the
Secretary of the United States Department of the
Treasury, UNITED STATES DEPARTMENT
OF THE TREASURY, and ANDREA GACKI,
in her official capacity as Acting Director of the
Financial Crimes Enforcement Network,

Defendants.

Declaration of Katerina Eyre

4870-8242-8665

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I, Katerina Eyre, make the following declaration under penalty of perjury pursuant to the laws of the United States:

1. I am over the age of 18, am under no legal disability, and am competent to testify. If called as a witness, I would and could testify competently to the facts set forth in this declaration based on my personal knowledge.

2. I am the organizer, registered agent and officer of Katie B Eyre, CPA PC. I am the sole owner this company. Within the meaning of the CTA, I am considered a beneficial owner of this company.

3. Katie B Eyre, CPA PC is an Oregon professional corporation with operations wholly in the state of Oregon.

4. Katie B Eyre, CPA PC is a small business that provides accounting services.

5. Since 1996, I have held and maintained an active license as a Certified Public Accountant with the Oregon Board of Accountancy. I have had no disciplinary action against my license.

6. As a Certified Public Accountant, I am subject to criminal background checks and self-reporting of any violations of federal, state, or local laws, and I am required to follow the law as an ethical duty of maintaining my license with the Oregon Board of Accountancy.

7. I am politically active in the Oregon Republican Party, having served both as a Precinct Committeewoman and as a Republican Representative in the Oregon House of Representatives.

8. I am politically active in my state with respect to issues that align with my conservative values.

9. As an entity registered in 2018 with the Oregon Secretary of State, Katie B Eyre, CPA PC will be required to comply with the Corporate Transparency Act (“CTA”) and must file its beneficial ownership reports with the Financial Crimes Enforcement Network (“FinCEN”) no later than January 1, 2025.

10. The CTA requires me to comply with the law under threat of civil and criminal sanction. The issuance of a civil or criminal sanction for failure to file a beneficial ownership statement would require me to self-report such a sanction to the Oregon Board of Accountancy, thereby jeopardizing my livelihood as a Certified Public Accountant.

11. In the absence of any court order staying the CTA during the pendency of this litigation, I will be forced to file a CTA filing by December 31, 2024, because I cannot afford to be in a position where I could face disciplinary action from the Oregon Board of Accountancy which could result in the loss of professional licensure as a Certified Public Accountant.

12. If I was compelled under threat of civil and criminal sanctions to make a CTA filing by December 31, 2024, it will allow the Financial Crimes Enforcement Network and those the agency chooses to grant access the ability to use my personally identifiable and sensitive information in a way that violates my Fourth Amendment rights.

13. As a Certified Public Accountant, I have provided tax and business advice to clients whose entities are lawfully conducting their business under state law, but whose business activities otherwise could subject them and their advisors to federal prosecution. The CTA requires that someone who exercises control over business could be required to file as a beneficial owner of an entity they do not otherwise own. The “Title LXV – Miscellaneous” provisions of the CTA specifically states information collected will be used to study the role of “gatekeepers” in illegal activities, and specifically enumerates accountants in the list of profession which warrant further study. Any requirement I might have to file as beneficial owner for a client who is engaged in a lawful Oregon activity but an activity subject to federal prosecution necessarily forces me to self-incriminate my advisor role in their activities, in violation of my Fifth Amendment rights.

14. The CTA as drafted and as promulgated by rule is vague insomuch as whether the roles of professional business advisors, like accountants and lawyers, create a nexus that requires me make a CTA filing when I give tax and business advice that could be construed by the federal

government as controlling a client's business. The "Title LXV – Miscellaneous" clearly contemplate that such professional advisors like me will be subject to additional scrutiny related to the activities of clients. Such a requirement is a violation of my First Amendment rights to associate with my clients in providing them tax and business advice.

15. As a matter of professional duty and ethics, I keep my client relations private unless they consent to make such a relationship known. Because I am outspoken in my political views, their business association with me could subject them to political retaliation. The "Title LXV – Miscellaneous" provisions of the CTA contemplate that beneficial ownership data will be available in a disaggregated fashion to government subcontractors, and private sector stakeholders, including financial institutions and data and technology companies, academic and other research organizations, and any other group the Comptroller General determines is appropriate. Once transferred to a private sector entity, the Financial Crimes Enforcement Network cannot safeguard beneficial ownership data, putting my privacy rights, and those of my clients for whom I might have to file as a beneficial owner, at risk.

16. As a small business owner committed to ensuring we have a healthy democracy where people are free to engage in an exchange of ideas free from the risk of burdens on constitutionally protected rights, I advocate for the repeal of the CTA to protect the associational privacy interest of Katie B Eyre, CPA PC's direct beneficial owner, to protect myself as a professional advisor from being forced to file beneficial ownership for an entity owned by any of my clients, and to protect individual freedoms to which I am guaranteed by the Constitution of the United States.

17. If forced to file reports with FinCEN, I would incur costs associated with compiling and reviewing records, including costs for legal services.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/15/2024

Signed by:
Katerina Eyre
071C9B6F8967481... _____

Katerina Eyre